

IFW/1648

00046.04001

In the U.S. Patent and Trademark Office

Applicants: Hallowitz  
Serial No.: 09/893,604  
Filed: June 29, 2001  
For: Methods for characterizing the viral infectivity status of a host

Group: 1648  
Paper No.:  
Examiner: Parkin, Jeffrey S.

**Response to Interview – submission of oath or declaration**

Applicant has reviewed the Interview Summary FAXed by the Office 2/24/2009, and submits the following in complete response thereto, and requests issuance of the application.

(1) The Declaration previously filed was signed by only two of the three inventors. Applicant submits herewith a new Declaration, of the same form as that previously submitted but signed by all three inventors. The new Declaration is properly executed and submitted within the time prescribed by the Office. MPEP 602; 35USC26.

(2) Applicant also submits herewith a separate Declaration, naming all three inventors and signed by the inventor who had not signed the Declaration previously submitted. In the event the Declaration under (1) is insufficient, Applicant submits that the separate Declaration and the previously-filed Declaration, satisfy the requirements of MPEP 602.02: "Where neither the original oath or declaration, nor the substitute oath or declaration is complete in itself, but each oath or declaration names all of the inventors and the two taken together give all the required data, no further oath or declaration is needed."

Respectfully submitted,

*V. Gerald Grafe*

V. Gerald Grafe  
Registration Number: 42,599  
P.O. Box 2689  
Corrales, NM 87048

Feb. 27, 2009  
date

**Certificate of Mailing**

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited on the date shown below with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Feb. 27, 2009

date

*V. Gerald Grafe*

name

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Jan-17-02 04:38pm From: MILLEN, W. ZELANO &amp; BRANIGAN

7032438410

T-495 P.02/05 F-116

#3

Receipt date: 03/18/2003

09893604 - GAU: 1648

COMBINED DECLARATION FOR PATENT APPLICATION AND POWER OF ATTORNEY  
(Includes Reference to PCT International Applications)ATTORNEY'S D/CASE NUMBER  
BIOTI-11

As below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

## METHODS FOR CHARACTERIZING THE INFECTIVITY STATUS OF A HOST

the specification of which (check only one item below):

- ☐ is attached hereto.
- ☒ was filed as United States application

Serial No. 09/893,604on June 29, 2001

and was amended

on \_\_\_\_\_ (if applicable).

- ☐ was filed as PCT international application

Number \_\_\_\_\_

on \_\_\_\_\_

and was amended under PCT Article 19

on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim priority benefits under Title 35, United States Code, 119 or 365 (b) of the following United States provisional application(s) and of any foreign application(s) for patent or inventor's certificate or 365(a) of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

## PRIOR U.S. PROVISIONAL AND FOREIGN/PCT APPLICATION(S) AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. 119:

| COUNTRY<br>(or PCT, indicate "PCT") | APPLICATION NUMBER | DATE OF FILING<br>(day, month, year) | PRIORITY CLAIMED<br>UNDER 35 USC 119                                |
|-------------------------------------|--------------------|--------------------------------------|---|
| United States                       | 60/215,075         | 30 JUNE 2000                         | <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO |
| PCT                                 | PCT/US97/19849     |                                      | <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO |
|                                     |                    |                                      | <input type="checkbox"/> YES <input type="checkbox"/> NO            |
|                                     |                    |                                      | <input type="checkbox"/> YES <input type="checkbox"/> NO            |
|                                     |                    |                                      | <input type="checkbox"/> YES <input type="checkbox"/> NO            |

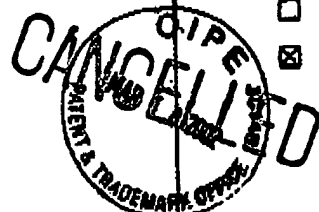
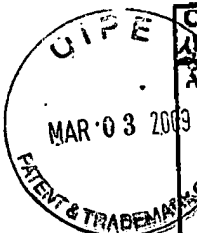
POWER OF ATTORNEY: As a named inventor, I hereby appoint I. William Milten (19,544); John L. Wynn (17,746); Anthony J. Zelano (27,969); Alan E.J. Branigan (20,565); John B. Moses (24,383); Harry B. Shubin (32,004); Brian P. Heaney (32,542); Richard J. Traverso (30,593); John A. Sopp (33,103); Richard M. Lebowitz (37,067); John H. Thomas (33,460); James E. Rutand (37,432); Nancy Aarimui (44,014); Jennifer J. Branigan (40,921); Robert E. McCarthy, (46,044); and Jonathan G. Brown (47,451) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Send Correspondence to Customer No. 23599

Telephone No.  
703/243-6333Direct Telephone Calls to:  
Richard Lebowitz

23599

PATENT &amp; TRADEMARK OFFICE



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7032436410

T-495 P-03/05 F-116

Receipt date: 03/18/2003

09893604 - GAU: 1648

**Combined Declaration for Patent Application and Power of Attorney (Continued)**  
(Includes Reference to PCT International Applications) ATTORNEY/INVENTOR NAME: BIOTI-11

|     |                         |             |                          |                          |
|-----|-------------------------|-------------|--------------------------|--------------------------|
| 201 | FULL NAME OF INVENTOR   | FAMILY NAME | FIRST GIVEN NAME         | SECOND GIVEN NAME        |
|     | RESIDENCE & CITIZENSHIP | CITY        | STATE OR FOREIGN COUNTRY | COUNTRY OF CITIZENSHIP   |
|     | POST OFFICE ADDRESS     | STREET      | CITY                     | STATE & ZIP CODE/COUNTRY |
| 202 | FULL NAME OF INVENTOR   | FAMILY NAME | FIRST GIVEN NAME         | SECOND GIVEN NAME        |
|     | RESIDENCE & CITIZENSHIP | CITY        | STATE OR FOREIGN COUNTRY | COUNTRY OF CITIZENSHIP   |
|     | POST OFFICE ADDRESS     | STREET      | CITY                     | STATE & ZIP CODE/COUNTRY |
| 203 | FULL NAME OF INVENTOR   | FAMILY NAME | FIRST GIVEN NAME         | SECOND GIVEN NAME        |
|     | RESIDENCE & CITIZENSHIP | CITY        | STATE OR FOREIGN COUNTRY | COUNTRY OF CITIZENSHIP   |
|     | POST OFFICE ADDRESS     | STREET      | CITY                     | STATE & ZIP CODE/COUNTRY |
| 204 | FULL NAME OF INVENTOR   | FAMILY NAME | FIRST GIVEN NAME         | SECOND GIVEN NAME        |
|     | RESIDENCE & CITIZENSHIP | CITY        | STATE OR FOREIGN COUNTRY | COUNTRY OF CITIZENSHIP   |
|     | POST OFFICE ADDRESS     | STREET      | CITY                     | STATE & ZIP CODE/COUNTRY |
| 205 | FULL NAME OF INVENTOR   | FAMILY NAME | FIRST GIVEN NAME         | SECOND GIVEN NAME        |
|     | RESIDENCE & CITIZENSHIP | CITY        | STATE OR FOREIGN COUNTRY | COUNTRY OF CITIZENSHIP   |
|     | POST OFFICE ADDRESS     | STREET      | CITY                     | STATE & ZIP CODE/COUNTRY |
| 206 | FULL NAME OF INVENTOR   | FAMILY NAME | FIRST GIVEN NAME         | SECOND GIVEN NAME        |
|     | RESIDENCE & CITIZENSHIP | CITY        | STATE OR FOREIGN COUNTRY | COUNTRY OF CITIZENSHIP   |
|     | POST OFFICE ADDRESS     | STREET      | CITY                     | STATE & ZIP CODE/COUNTRY |
| 207 | FULL NAME OF INVENTOR   | FAMILY NAME | FIRST GIVEN NAME         | SECOND GIVEN NAME        |
|     | RESIDENCE & CITIZENSHIP | CITY        | STATE OR FOREIGN COUNTRY | COUNTRY OF CITIZENSHIP   |
|     | POST OFFICE ADDRESS     | STREET      | CITY                     | STATE & ZIP CODE/COUNTRY |

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Jan-17-02 04:27pm From: MILLEN, WHITNEY DELANO &amp; BRANIGAN

7032436410

T-405 P.04/05 F-116

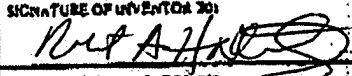
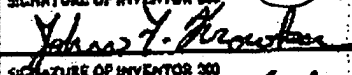
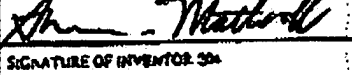
Receipt date: 03/18/2003

09893604 - GAU: 1648

|  |   |
|--|---|
| <b>Combined Declaration for Patent Application and Power of Attorney (Continued)</b><br><small>(Indicate Reference to PCT International Application)</small> | <b>ATTORNEY'S OBJECT NUMBER</b><br>BIOTI-11 |
|--|---|

|             |                            |             |                          |                          |
|-------------|----------------------------|-------------|--------------------------|--------------------------|
| 2<br>0<br>8 | FULL NAME<br>OF INVENTOR   | FAMILY NAME | FIRST GIVEN NAME         | SECOND GIVEN NAME        |
|             | RESIDENCE &<br>CITIZENSHIP | CITY        | STATE OR FOREIGN COUNTRY | COUNTRY OF CITIZENSHIP   |
|             | POST OFFICE<br>ADDRESS     | STREET      | CITY                     | STATE & ZIP CODE/COUNTRY |
| 2<br>0<br>9 | FULL NAME<br>OF INVENTOR   | FAMILY NAME | FIRST GIVEN NAME         | SECOND GIVEN NAME        |
|             | RESIDENCE &<br>CITIZENSHIP | CITY        | STATE OR FOREIGN COUNTRY | COUNTRY OF CITIZENSHIP   |
|             | POST OFFICE<br>ADDRESS     | STREET      | CITY                     | STATE & ZIP CODE/COUNTRY |
| 2<br>1<br>0 | FULL NAME<br>OF INVENTOR   | FAMILY NAME | FIRST GIVEN NAME         | SECOND GIVEN NAME        |
|             | RESIDENCE &<br>CITIZENSHIP | CITY        | STATE OR FOREIGN COUNTRY | COUNTRY OF CITIZENSHIP   |
|             | POST OFFICE<br>ADDRESS     | STREET      | CITY                     | STATE & ZIP CODE/COUNTRY |
| 3<br>1<br>1 | FULL NAME<br>OF INVENTOR   | FAMILY NAME | FIRST GIVEN NAME         | SECOND GIVEN NAME        |
|             | RESIDENCE &<br>CITIZENSHIP | CITY        | STATE OR FOREIGN COUNTRY | COUNTRY OF CITIZENSHIP   |
|             | POST OFFICE<br>ADDRESS     | STREET      | CITY                     | STATE & ZIP CODE/COUNTRY |
| 2<br>1<br>2 | FULL NAME<br>OF INVENTOR   | FAMILY NAME | FIRST GIVEN NAME         | SECOND GIVEN NAME        |
|             | RESIDENCE &<br>CITIZENSHIP | CITY        | STATE OR FOREIGN COUNTRY | COUNTRY OF CITIZENSHIP   |
|             | POST OFFICE<br>ADDRESS     | STREET      | CITY                     | STATE & ZIP CODE/COUNTRY |

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

|  |                 |                           |      |
|--|-----------------|---------------------------|------|
| SIGNATURE OF INVENTOR 201<br> | DATE<br>2/25/09 | SIGNATURE OF INVENTOR 207 | DATE |
| SIGNATURE OF INVENTOR 203<br> | DATE<br>1/24/02 | SIGNATURE OF INVENTOR 208 | DATE |
| SIGNATURE OF INVENTOR 209<br> | DATE<br>1/24/02 | SIGNATURE OF INVENTOR 209 | DATE |
| SIGNATURE OF INVENTOR 204  | DATE            | SIGNATURE OF INVENTOR 210 | DATE |
| SIGNATURE OF INVENTOR 205  | DATE            | SIGNATURE OF INVENTOR 211 | DATE |
| SIGNATURE OF INVENTOR 206  | DATE            | SIGNATURE OF INVENTOR 212 | DATE |



### DECLARATION

As a below-named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am an original, first, and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled **Methods for Characterizing Viral Infectivity Status of a Host**, which was filed on 06/29/2001, and assigned serial number 09/893,604.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a).

I hereby claim the benefit of priority of the following US provisional application listed below.

| Provisional application filing number | Filing date  |
|---------------------------------------|--------------|
| 60/215,075                            | 30 June 2000 |

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

  
Robert A. Hallowitz  
Citizenship: USA

February 25, 2007  
date

Residence (City & State or Country): **Aurora, Colorado**  
Postal Address: **1521 S. Iola St. #2-101, Aurora, CO 80012 USA**

\_\_\_\_\_  
John Krowka

\_\_\_\_\_  
date

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Postal Address: **465 Arwell Court, Frederick Maryland 21702 USA**

\_\_\_\_\_  
Shawn Matlock

\_\_\_\_\_  
date

Citizenship: **USA**

Residence (City & State or Country): **Frederick, Maryland**

Postal Address: **6512 Springwater Court #4402, Frederick Maryland 21701 USA**